

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP03/02783

A. CLASSIFICATION OF SUBJECT MATTER

Int.Cl⁷ A61K45/00, 31/56, 38/04, A61P5/24, 35/00, 43/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int.Cl⁷ A61K31/56-31/585, 38/00-38/58, 45/00-45/08

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

BIOSIS (STN), CAPLUS (STN), MEDLINE (STN), EMBASE (STN)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 90/10462 A1 (ENDORECHERCHE INC.), 20 September, 1990 (20.09.90),	1, 3, 4, 6, 8-10, 32, 33
Y	& AU 9052819 A	2
A	& AU 669767 B	5, 7, 11-17, 30, 31
	& EP 462189 A1	
	& HU 59836 T	
	& JP 4-504848 A	
	& NZ 232870 A	
	& IE 62715 B	
	& ES 2077675 T3	
	& IL 93693 A	
	& PH 30747 A	
	& AU 9455131 A	
	& ZA 9001847 A	
	& EP 462189 B1	
	& HU 221589 B1	
	& JP 2959838 B2	
	& NZ 244499 A	
	& DE 69022722 E	
	& US 5550107 A	
	& CA 2050291 C	

☒ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search
10 June, 2003 (10.06.03)Date of mailing of the international search report
08 July, 2003 (08.07.03)Name and mailing address of the ISA/
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y A	EP 413209 A1 (ABBOTT LABORATORIES), 20 February, 1991 (20.02.91), & AU 9060286 A & AU 9457892 A & AU 672474 B & HU 54387 T & NO 9003455 A & JP 3-101695 A & PT 94924 A & CA 2022444 A & US 5110904 A & US 5300492 A & CA 2022444 C	2 1,3-10,32, 33
A	WO 96/40150 A1 (MERCK & CO., INC.), 19 December, 1996 (19.12.96), & AU 9659841 A & EP 833641 A1 & JP 11-507050 A	1-17,30-33
A	WO 00/57892 A1 (PIERRE FABRE MEDICAMENT), 05 October, 2000 (05.10.00), & FR 2791573 A1 & AU 200036631 A & BR 200009445 A & EP 1165108 A1 & EP 1165108 B1 & CN 1346277 A & JP 2003-504306 A	1-17,30-33
A	US 4472382 A (ROUSSEL UCLAF), 18 September, 1984 (18.09.84), & US 4728640 A & US 4743589 A & US 4745102 A & US 4851386 A & US 4981842 A & US 5189021 A & US 5389613 A & US 5688769 A & US 5712251 A & BE 885308 A & FR 2465486 A & JP 56-55315 A & JP 61-118324 A & JP 62-37018 B2 & JP 5-9128 A & JP 5-9129 A & JP 6-65093 A & JP 2761988 B2 & ZA 8005791 A & AU 8537269 A & PH 27953 A	1-10,32,33

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Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 18-29

because they relate to subject matter not required to be searched by this Authority, namely:

The inventions as set forth in claims 18 to 29 pertain to methods for treatment of the human body by therapy.

2. ☐ Claims Nos.:

because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. ☐ Claims Nos.:

because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

(See extra sheet.)

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☒ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

☐

The additional search fees were accompanied by the applicant's protest.

☐

No protest accompanied the payment of additional search fees.

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Continuation of Box No.II of continuation of first sheet(1)

The requirement of unity of invention in international application (PCT Rule 13.1) is fulfilled only when there is a technical relationship among a group of claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art (PCT Rule 13.2).

Concerning claims of the present case, the inventions as set forth in claims 1 to 10, 32 and 33 (hereinafter referred to as "the invention group (1)") have a common matter "using as a drug for preventing or treating diseases a combination of 1) an LHRH receptor agonist or antagonist or a salt thereof with 2) an androgen receptor agonist or its salt", the inventions as set forth in claims 11 to 15 and 30 (hereinafter referred to as "the invention group (2)") have a common matter "using an androgen receptor agonist or its salt in preventing or treating bone-metastasizing prostatic cancer", and the inventions as set forth in claims 16, 17 and 31 (hereinafter referred to as "the invention group (3)") have a common matter "using a nonsteroidal androgen receptor agonist or its salt in preventing or treating prostatic cancer".

However, it had been publicly known before the priority date of the present international application that an androgen receptor agonist or its salt is usable in preventing or treating prostatic cancer (for example, it is stated in WO 96/40150 A1 (MERCK & CO., INC.) 1996.12.19 that "testosterone" which is one of "androgen receptor agonists" is usable in preventing or treating prostatic cancer). Therefore, neither "using an androgen receptor agonist or its salt in preventing or treating a disease" (i.e., the matter common to the invention groups (1) and (2) as well as to the invention groups (1) and (3)) nor "using an androgen receptor agonist or its salt in preventing or treating prostatic cancer" (i.e., the matter common to the invention groups (2) and (3)) can be regarded as a "special technical feature".

Such being the case, the claims of the present international application have three groups of inventions, i.e., the invention groups (1), (2) and (3).